

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 April 2021

Public Authority: Tyne and Wear Fire and Rescue Service
Address: Headquarters
Nissan Way
Sunderland
Tyne and Wear
SR5 3QY

Decision (including any steps ordered)

1. The complainant requested information from Tyne and Wear Fire and Rescue Service (TWFRS) about fire station names. By the date of this notice TWFRS had not issued a substantive response to this request.
2. The Commissioner's decision is that TWFRS has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires TWFRS to take the following step to ensure compliance with the legislation.
 - TWFRS must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. TWFRS must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 15 January 2021, the complainant wrote to TWFRS and requested information in the following terms:

"1. List of the former name or names of the fire stations within the current estate (believed to have changed in early 2000s) For example, Newcastle East Community Fire Station (which is now known as Byker Fire Station).

2. Dates, if known, of the changes of fire station names.

3. Copies of any internal documents which have documented the rationale for change in fire station names (e.g. board papers, briefing documents etc.)"

6. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 25 February 2021 to complain about TWFRS' failure to respond to their request.
8. The Commissioner has considered whether TWFRS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.

11. On 15 March 2021 the Commissioner wrote to TWFRS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention TWFRS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that TWFRS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that TWFRS has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF